IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16231 of 2004

Between:

Gunda Sreenivasulu, S/o. Late Kotaiah,
R/o. H.No. 1-4-251, K.K. Road Suryapet, Nalgonda District.

..... PETITIONER

AND

The Station House Officer, Suryapet Town, Nalgonda District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue order, Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents in harassing the petitioner for payment of Rs.54550/- (fifty four thousands five hundred fifty) to Cherukuri Group Suryapet and threatening his family members to produce the petitioner and also threatening to foist false criminal case against the petitioner as illegal, arbitrary and contrary to the guideliness issued by the Apex Court

Counsel for the Petitioner:MR.VENUGOPALA RAO PASNOORU

Counsel for the Respondent: GP FOR HOME

The Court at the stage of admission made the following O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the respondent in harassing the petitioner for payment of Rs.54,550/- to Cherukuri Group, Suryapet and threatening his family members to produce the petitioner, as arbitrary and illegal.

In the affidavit filed in support of the writ petition, the petitioner stated that he was appointed as a Branch Development Manager (BDM) of Cherukuri Group at Suryapet and that as a result of the efforts made by him and hard work, Suryapet branch stood first among 54 branches all over Andhra Pradesh. It is stated that he was permitted to use amounts deposited by the investors for T.A. & D.A. However, on 22-08-2004 he was removed from service alleging misappropriation of the amounts. It appears that the amounts alleged to be due from him were quantified at Rs.52,050/- and that he made a representation on 30-08-2004 requesting the Company to settle his accounts. It is also stated that he is making all sincere efforts for repayment of the amounts due to the company. It is alleged that the respondent-Station House Officer, Suryapet Town, Warangal District has been sending the Constables to his residence for the last 10 days and threatening his family members for recovery of the amounts due to the company. Hence, this writ petition is filed stating that the respondent is not entitled to interfere with the civil disputes and that the action of the respondent is arbitrary and illegal and in violation of Article 21 of the

Constitution of India.

The respondent filed counter-affidavit stating that on the basis of the complaint made by the Branch in-charge of Cherukuri Group on 15-09-2004 alleging that the petitioner, while working in the Cherukuri Group branch at Suryapet as a Branch Development Officer, has misappropriated certain amounts a case in crime No.200 of 2004 was registered under Sections 406, 409 and 420 IPC and the investigation is pending. It is further stated that when the police officials went to the house of the petitioner, he was absent and his whereabouts were not known to the respondent. The allegation of the petitioner that the respondent is harassing his family members is denied and it is stated that at no point of time, the respondent or any other official of the respondent threatened the petitioner's family members or the petitioner and that so far no arrest has been made and the petitioner is absconding, and filed this writ petition with false allegations.

The averments in the counter-affidavit stood un-rebutted since the petitioner did not choose to file any reply-affidavit.

In the light of the averments in the counter-affidavit denying all the allegations made in the writ petition and stating that the investigation in Crime No.200 of 2004, which was registered against the petitioner, is still pending, no further adjudication is necessary in this writ petition, and accordingly recording the statement in the counter-affidavit, the writ petition is disposed of. No costs.

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10-11-2004

kdl

To

1. The Station House Officer, Suryapet Town, Nalgonda District.

2. Two C.Cs to the Government Pleader for Home, High Court Buildings, A.P., Hyderabad (OUT)

3. Two C.D copies